HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.867 OF 2006

PETITIONER		Yogesh Kumar Yadav, S/o Shri Gularam Yadav, Aged about 20 years, Post-Shiksha Karmi Grade-III, Primary School Bandhavabhata, Block Kartala, District Korba, Chhattisgarh.
	Vs.	
RESPONDENTS	1.	State of Chhattisgarh Through the Secretary, Department of Panchayat and Rural Development Government of Chhattisgarh D.K.S. Bhawan, Mantralaya Raipur (C.G.)
	2.	The Assistance Commissioner Tribal Welfare Department, District Korba (C.G.)
	3.	The Chief Executive Officer, Janpad Panchayat Kartala, District Korba, (C.G.)
	4.	The Head Master Primary School Chitakhol-Labed, District Korba, (C.G.)
	5.	The Head Master Primary School Bandhavabhata, Block Kartala, District Korba, Chhattisgarh.

Present: Mr. Alok Dewangan, counsel for the petitioner.
Mr. Sanjay S. Agrawal, Govt. Adv., for the State of CG.

ORAL ORDER

(Passed on 20th February, 2006)

In this writ petition, the order of the Chief Executive Officer, Janpad Panchayat Kartala District Korba, the third respondent herein, dated 04/02/2006 cancelling the earlier transfer order dated 01/10/2005, is assailed. The third respondent earlier by his order dated 01/10/2005 had

transferred the petitioner who was working as Shiksha Karmi, Grade-III from Govt. Primary School, Chitakhol Labed, to Primary School, Bandhavabhata. That order was subsequently cancelled by the impugned order dated 04/02/2006. The resultant position is that the petitioner is again re-transferred to the Govt. Primary School, Chitakhol Labed.

(2) Shri Alok Dewangan, learned counsel for the petitioner, while attacking the validity of the impugned transfer order, would contend that as per the administrative instructions governing transfers, an employee should not ordinarily be transferred before he/she completes three years of service at a given place and, therefore, the impugned order is made in violation of that policy. Consequently, it was contended that if the petitioner is transferred to Govt. Primary School, Chitakhol Labed in the middle of the academic year, the students studying in the Primary School, Bandhwabhata would be prejudiced and looking from that angle alsom, the petitioner's retention at the Primary School, Bhandwabhata, is necessary.

(3) It is the power and prerogative of the State – Employer to decide who should work where keeping in mind the public interest and the exigencies of the service. A person holding a transferable post in the service of the State has no vested right to insist that he/she should be retained at a particular place or for any particular length of time. The administrative instructions issued by the State and State authorities governing transfers of public servants are to guide the transferring authorities, but, they do not have any statutory force. It is quite often held and reiterated by the Courts that to meet the exigencies of the services, it

is open for the State authorities to depart from the administrative instructions for the simple reason that the transfer does not impair or violate any of the legal rights of the transferred employees. Coming to the hardship *vis-à-vis* the children studying in the Primary School, Bhandwabhata is concerned, it is not for the petitioner – teacher to highlight hardship that may be caused to the students of the Primary School, Bhandhwabhata. Therefore, both the grounds urged before me to assail the impugned order are untenable and fail. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Brajesh